

FOR OFFICIAL USE ONLY

UNITED STATES OF AMERICA)	
)	
v.)	PROTECTIVE ORDER # ____
)	
ALI HAMZA AHMAD SULAYMAN AL)	_____ 2004
BAHLUL)	
)	

The following Order is issued to protect from unauthorized disclosure of documents and information provided to the Defense in the above-captioned case, and is therefore directed to the Defense.

For the purpose of this Order, the term “you” or “your” shall pertain to all members of the Defense team.

This Protective Order pertains to all documents and information previously provided to the Defense as well as any documents or information that may be provided to the Defense in the future. It shall remain in effect throughout your representation of Mr. Al Bahlul unless specifically modified or cancelled.

UNCLASSIFIED SENSITIVE MATERIALS

IT IS HEREBY ORDERED that all documents marked “For Official Use Only (FOUO)” or “Law Enforcement Sensitive” and the information contained therein shall only be disseminated to the following individuals:

- Members of the Defense team, to include the Accused;
- Individuals outside the Defense team who have an official need to know the information to assist the Defense in the representation of the Accused before a Military Commission; and
- The Military Commission panel and parties to the case in the course of Military Commission proceedings.

IT IS FURTHER ORDERED that Criminal Investigation Task Force Forms 40 and Federal Bureau of Investigation FD-302s provided to the Defense shall, unless classified (marked “CONFIDENTIAL,” “SECRET,” or “TOP SECRET”), be handled and disseminated as “For Official Use Only” and/or “Law Enforcement Sensitive.”

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CLASSIFIED MATERIALS

IT IS FURTHER ORDERED that you shall become familiar with Executive Order 12958 (as amended), Military Commission Order No. 1, and other directives applicable to the proper handling, storage, and protection of classified information. All classified documents (those marked “CONFIDENTIAL,” “SECRET,” or “TOP SECRET”) and the information contained therein shall only be disseminated to the following individuals:

- Members of the Defense team who have the appropriate security clearance and an official need to know the information to assist the Defense in the representation of the Accused before a Military Commission; and
- The Military Commission panel in the course of Military Commission proceedings. It shall be your responsibility to ensure that if you are presenting classified information to the panel, that you take appropriate measures to protect such information.

IT IS FURTHER ORDERED that all classified or sensitive discovery materials, and copies thereof, given to the defense or shared with any authorized person by the defense must and shall be returned to the government at the conclusion of the review and final decision by the President or, if designated, the Secretary of Defense, in each case.

BOOKS, ARTICLES, OR SPEECHES

FINALLY, IT IS ORDERED that members of the Defense team shall not divulge, publish or reveal, either by word, conduct, or any other means, any documents or information protected by this Order unless specifically authorized to do so. Prior to publication, members of the Defense team shall submit any book, article, speech, or other publication derived from, or based upon experience or information gained in the course of representation of Ali Hamza Ahmad Sulayman al Bahlul to the Department of Defense for review. This review is solely to ensure that no information is improperly disclosed that is classified, protected, or otherwise subject to a Protective Order. This restriction will remain binding after the conclusion of any proceedings that may occur against Ali Hamza Ahmad Sulayman al Bahlul.

BREACH

Any breach of this Protective Order may result in disciplinary action or other sanctions.

Peter E. Brownback III
Colonel, JA, U.S. Army
Presiding Officer